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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

| | | |
|---------------------------|---|--|
| UNITED STATES OF AMERICA, |) | No. CR 07-0056 CRB |
| |) | |
| Plaintiff, |) | STIPULATION AND PROPOSED |
| |) | ORDER EXCLUDING TIME FROM |
| v. |) | SPEEDY TRIAL ACT CALCULATION |
| |) | (18 U.S.C. § 3161(h)(8)(A), (h)(1)(F)) |
| ELMO DANIELS, |) | |
| |) | |
| Defendant. |) | |

With the agreement of the parties, and with the consent of defendant Elmo Daniels, the Court enters this order documenting defendant's exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(c)(1), from April 4, 2007, to May 23, 2007. The parties agree, and the Court finds and holds, as follows:

1. Defendant agreed to an exclusion of time under the Speedy Trial Act. Failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence, in this case.

2. Given these circumstances, the Court found that the ends of justice served by excluding the period from April 4, 2007, to May 23, 2007, outweigh the best interest of the public and the defendant in a speedy trial. Id. at § 3161(h)(8)(A).

1 3. Accordingly, and with the consent of the defendant, at the hearing on April 4,
2 2007, the Court ordered that the period from April 4, 2007, to May 23, 2007, be excluded from
3 Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

4 4. Also at the hearing on April 4, the Court set a briefing and argument schedule on
5 defendant's motion to suppress. Defendant's motion is due on April 25, and the hearing on the
6 motion is scheduled for May 23. The parties agree that under 18 U.S.C. § 3161(h)(1)(F) the
7 period from April 25, 2007, to May 23, 2007, is also properly excluded from Speedy Trial Act
8 calculations due to the pendency of this motion.

9 IT IS SO STIPULATED.

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11 DATED: April 9, 2007

_____/s/
GEORGE J. COTSIRILOS, JR.
Attorney for Defendant

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14 DATED: April 4, 2007

_____/s/
ANDREW P. CAPUTO
Assistant United States Attorney

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17 IT IS SO ORDERED.

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19 DATED: April 11, 2007

HON. CHARLES R. BREYER
United States District Judge

